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HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:27800 of 1996

DATED: 24-01-2007

Between:

P.S.R.Anjaneyulu

..... PETITIONER

AND

1. The District Collector & Special Officer, Zilla Parishad, West Godavari District and 3 others.

.....RESPONDENTS

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ORDER:

In this writ petition the proceedings of the District Collector, West Godavari in R.C.No.D2-1920/95 dated 25-04-1995 and the consequential order of the Mandal Parishad Development Officer in R.C.No.E/5/95 dated 26-04-1995 are under challenge.

In his proceedings dated 25-04-1995 the District Collector makes a reference to the order of the Director of School Education dated 03-01-1990 wherein, in an incident relating to Nalgonda District, it was held that when a teacher lost the salaries of other teachers, the same may be paid from the Mandal Parishad General Funds, on the condition that the amount lost should be recovered from the salary of the teacher concerned because of whom the amount was lost. The District Collector ordered that a sum of Rs.1,500/- per

month be recovered from the salary of the petitioner towards recovery of the lost amount in 38 instalments and the 39th instalment was for Rs.1,736/- constituting the total amount lost of Rs.58,736/-. Consequent to the proceedings of the District Collector, the Mandal Parishad Development Officer issued proceedings dated 26-04-1995 directing recovery from the salary of the petitioner. Aggrieved by the order of the District Collector the petitioner preferred an appeal to the Commissioner of Panchayat Raj.

In the affidavit filed in support of the writ petition it is stated that the Commissioner, in his memo dated 08-08-1996, had asked the Executive Officer of the West Godavari Zilla Parishad to wait till pronouncement of the judgment in the appeal before taking steps for recovery of the said amount. According to the petitioner, despite the interim order of the Commissioner dated 08-08-1996, the respondents continued to deduct the amount lost from the salary of the petitioner.

While Sri C.Kodanda Ram, learned counsel for the petitioner, would submit that the petitioner was not responsible for the amount lost as it was stolen when the petitioner came out of the bank and that on a police complaint being lodged the person who had stolen the money was caught and a part of the amount stolen was recovered, I do not consider it necessary to examine these factual aspects in writ proceedings under Article 226 of the Constitution of India, more so, since, as on the date of filing of the writ petition the appeal preferred by the petitioner against the orders of the District Collector dated 25-04-1995, and that of the Mandal Parishad Development Officer dated 26-04-1995, were pending before the Commissioner of Panchayat Raj. Ends of justice would be met if the 4th respondent is directed to dispose of the appeal preferred by the petitioner within a period of three months from the date of receipt of a copy of this order and pending disposal of the appeal the interim order passed by this Court directing that the amount not be recovered shall continue to remain in force. In case the appeal has been disposed of by the Commissioner, the order of the Commissioner shall be given effect to, leaving it open to the petitioner to challenge the same in accordance with law. The writ petition is disposed of accordingly. No costs.

24th January, 2007

SKM